

AN ORDINANCE 101323

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 5, Block 51, NCB 19221 from "C-2" (ERZD) Commercial Edwards Recharge Zone District and "C-3" (ERZD) General Commercial Edwards Recharge Zone District to C-2 (ERZD) (SUP-Medical Laboratory) Commercial Edwards Recharge Zone District with Special Use Permit for a Medical Laboratory and C-3 (ERZD) (SUP) General Commercial Edwards Recharge Zone District with Special Use Permit for a Medical Laboratory.

SECTION 2. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.

The specific use will not adversely affect the public health, safety and welfare.

SECTION 3. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 4. This change of zoning district boundary is conditioned on the requirement that the impervious cover on the property described by this ordinance shall not exceed 68.17%.

SECTION 5. The owner or owner's agent shall inform any person leasing this tract or any

portion of this tract that storage of chemicals and/or hazardous materials is not permitted. Provisions prohibiting the storage of chemicals and/or hazardous materials shall be included in the lease agreement. The owner or owner's agent shall provide a copy of the of the lease provisions regarding the storage of chemicals and/or hazardous materials to the Aquifer Protection and Evaluation Section of the San Antonio Water System for approval. The Aquifer Protection and Evaluation Section of the San Antonio Water System may randomly inspect, without notice, any or all facilities on the site to ensure compliance with this ordinance.

SECTION 6. All water pollution abatement structures or features approved by the Texas Commission on Environmental Quality shall be properly maintained and kept free of trash and debris. A water quality maintenance plan and schedule agreement signed by the property owner must be submitted to the Resource Protection Division of SAWS. If at any time the ownership of the property changes, the seller must disclose to the buyer all the requirements of the water quality maintenance plan. A water quality maintenance plan signed by the new owner must be submitted to the Resource Protection Division of SAWS.

SECTION 7. Landscaped areas shall be sensitive to minimizing water needs, i.e., use of native plants. Each purchaser of an individual lot or tenant within this development shall be informed by the seller or lessor in writing about Best Management Practices (BMP) for pesticide and fertilizer application. Preventing Groundwater Pollution, A Practical Guide to Pest Control, available from the Edwards Aquifer Authority (210/222-2204), or equivalent information produced by the U.S. Natural Resource Conservation Service, the Texas Department of Agriculture, or the U.S. Department of Agriculture shall be used.

SECTION 8. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 9. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 10. If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal and substantially limits or impairs the essential elements of sections one through five of this ordinance, then sections one through five are invalid and have no legal effect as of the date of entry of such judgment notwithstanding any other ordinance or provision of the City Code of San Antonio.

SECTION 11. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective September 4, 2005.

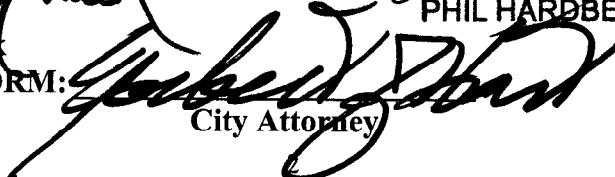
PASSED AND APPROVED this 25th day of August, 2005.

ATTEST:


City Clerk


MAYOR
PHIL HARDBERGER

APPROVED AS TO FORM:


City Attorney

Agenda Voting Results

Name: Z-22

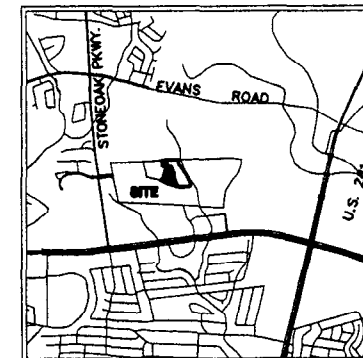
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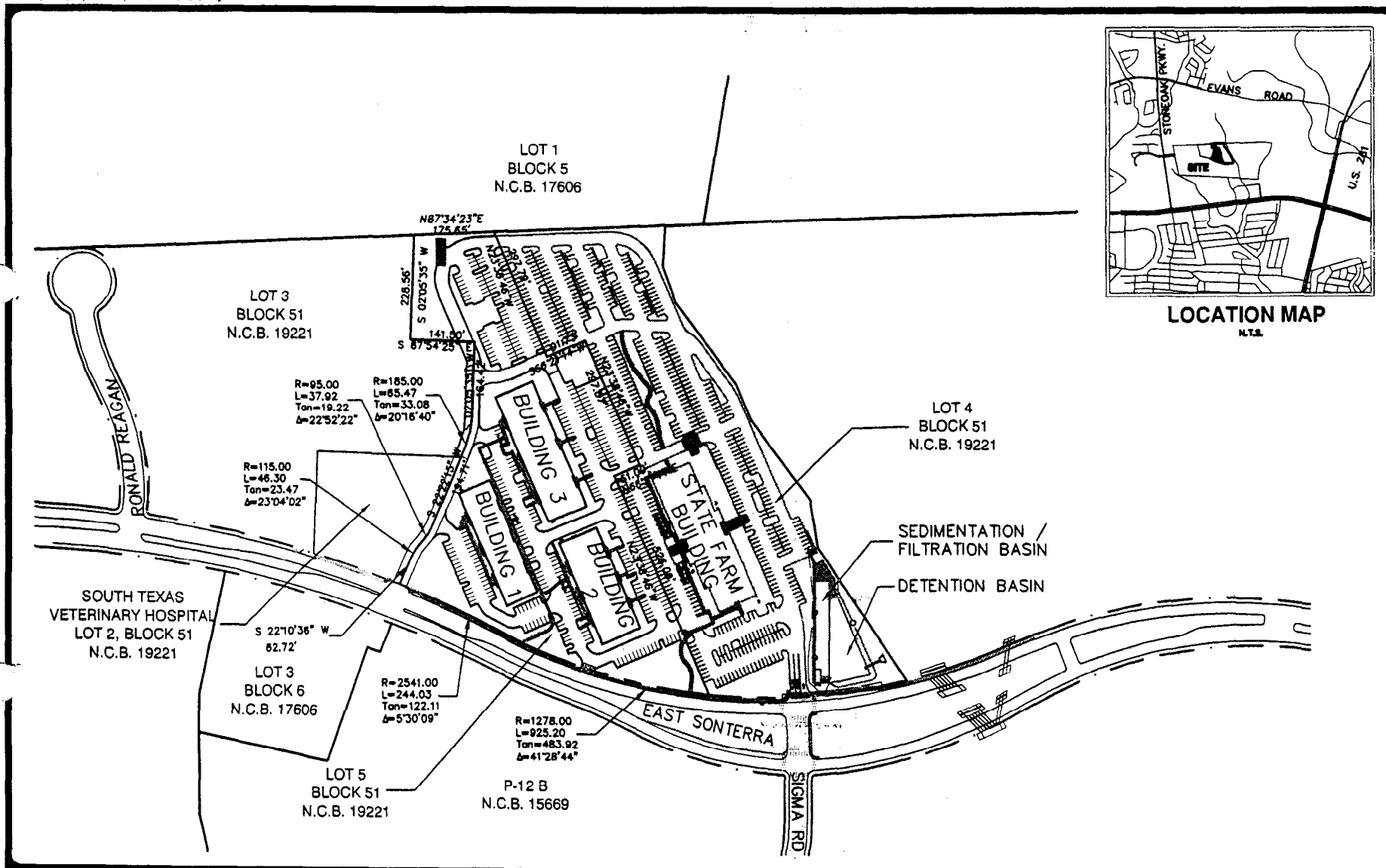
Vote Type: Multiple selection

Description: Z-22. ZONING CASE #Z2005166 S (District 9): An Ordinance changing the zoning district boundary on Lot 5, Block 51, NCB 19221, from "C-2" ERZD Commercial Edwards Recharge Zone District and "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-2 ERZD S" Commercial Edwards Recharge Zone District with Special Use Permit for a Medical Laboratory and "C-3 ERZD S" General Commercial Edwards Recharge Zone District with Specific Use Permit for a Medical Laboratory, 607 East Sonterra Boulevard, as requested by Concord Corporation, Applicant, for Concord Corporation, Owner(s). Staff has recommended approval and Zoning Commission has recommended

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5			x	
DELICIA HERRERA	DISTRICT 6			x	
ELENA K. GUAJARDO	DISTRICT 7			x	
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		



LOCATION MAP
N.T.S.



JOB NO. 4089 - 09
 DATE JUNE 2005
 DESIGNER M.J.J.
 CHECKED BRAND K.J.J.
 SHEET 1

SITE PLAN
TERRACE @ CONCORD PARK
SAN ANTONIO, TX

PAPE-DAWSON ENGINEERS
 1965-2005 = 40 YEARS OF EXCELLENCE

568 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.8000
 FAX: 210.375.9010

REVISIONS

EXHIBIT A
 To Ordinance No. _____
 Passed and Approved on
 August 25, 2005

CASE NO: Z2005166 S

Staff and Zoning Commission Recommendation - City Council

Date: August 25, 2005

Zoning Commission Meeting Date: August 02, 2005

Council District: 9

Ferguson Map: 516 F2

Applicant:

Concord Corporation

Owner:

Concord Corporation

Zoning Request: From "C-2 ERZD" Commercial Edwards Recharge Zone District and "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-2 ERZD S" Commercial Edwards Recharge Zone District with Specific Use Permit for a Medical Laboratory and "C-3 ERZD S" General Commercial Edwards Recharge Zone District with Specific Use Authorization for a Medical Laboratory

Lot 5, Block 51, NCB 19221

Property Location: 607 East Sonterra Boulevard

North of the intersection of East Sonterra Boulevard and Sigma Road

Proposal: For a medical laboratory

Neighborhood Association: None

Neighborhood Plan: None

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:

Approval.

The subject property is currently located north of the intersection of Sigma Road and East Sonterra Boulevard. There is an existing building under construction at the site. The surrounding properties are utilized for commercial office space and a high school to the north. This zoning change would allow for a medical laboratory on the property. This change would be appropriate at this location due to the existing land use and access to a major arterial. The applicant is requesting the S designation because the use of a medical laboratory is not permitted over the ERZD without a specific use authorization.

ERZD Summary

1. SAWS recommends approval of the proposed land use.
2. The property is classified as a Category 1.
3. SAWS recommends that the impervious cover on the site shall not exceed 68.17%.

Zoning Commission Recommendation:

Approval without the conditions recommended by SAWS

CASE MANAGER : Robin Stover 207-7945

VOTE

FOR	11
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005166 S

ZONING CASE NO. Z2005166 S – August 2, 2005

Applicant: Concord Corporation

Zoning Request: "C-2" ERZD Commercial Edwards Recharge Zone District and "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-2" S ERZD Commercial Edwards Recharge Zone District with Specific Use Authorization for a Medical Laboratory and "C-3" S ERZD Commercial Edwards Recharge Zone District with Specific Use Authorization for a Medical Laboratory.

Andy Guerrero, 3134 Renker, representing the applicant, stated there are presently 3 buildings under construction on the subject property, one of which would be used for a medical laboratory, which is the purpose of this zoning request.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 3 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Dixon to recommend approval.

1. Property is located on Lot 5, Block 51, NCB 19221 at 607 East Sonterra Boulevard.
2. There were 7 notices mailed, 0 returned in opposition and 3 in favor.
3. Staff recommends approval.

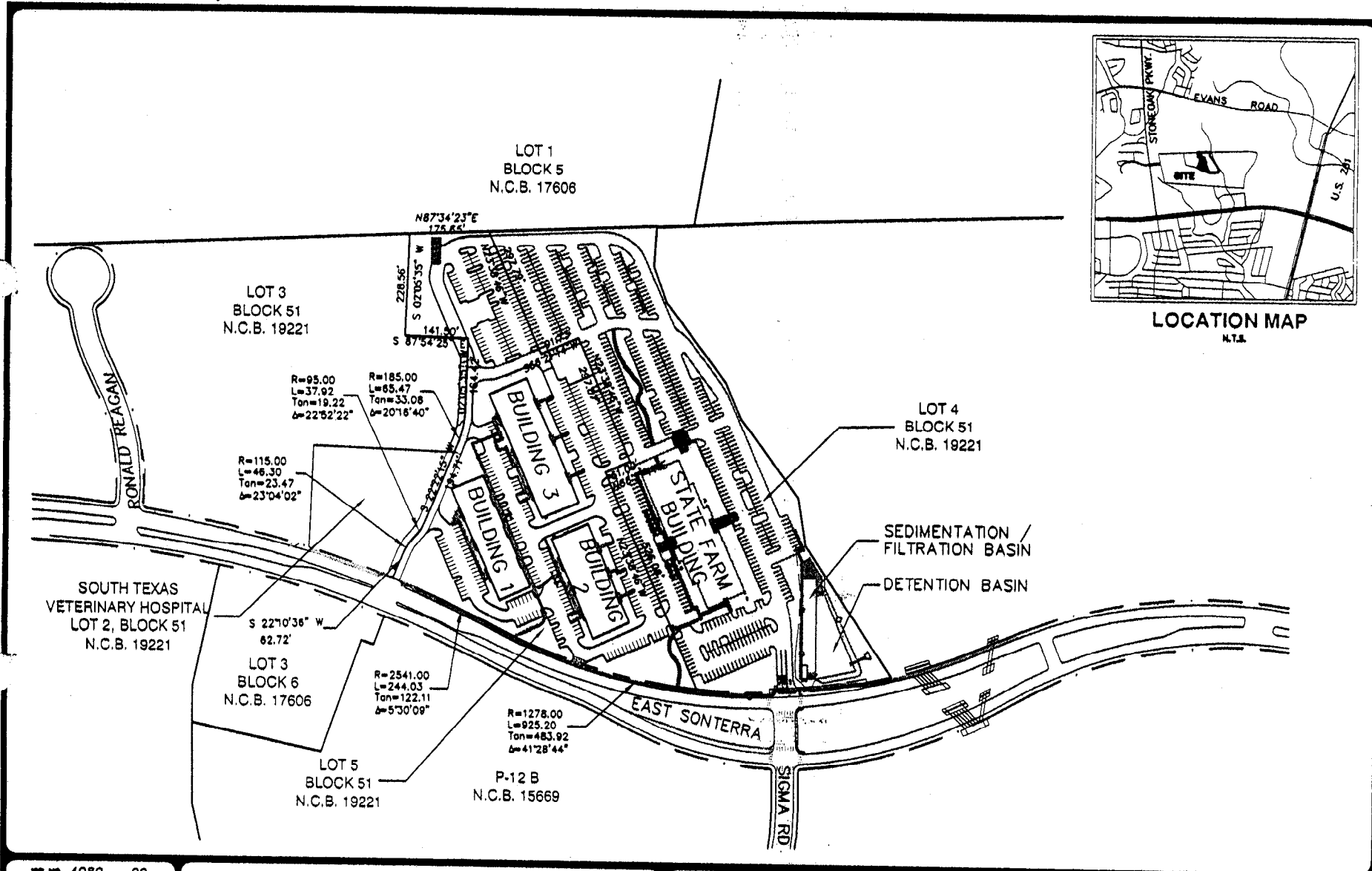
AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Dixon, Sherrill, McAden, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.



JOB NO. 4089 - 09
 DATE JUNE 2005
 DESIGNER MJJ
 CHECKED BRANK, K.J.
 SHEET 1

SITE PLAN
TERRACE @ CONCORD PARK
SAN ANTONIO, TX

PAPE-DAWSON
ENGINEERS
 1985-2005 = 40 YEARS OF EXCELLENCE

555 EAST RAMBLEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000
 FAX: 210.375.9010

REVISIONS: